

SEBASTIAN COUNTY QUORUM COURT MEETING  
JANUARY 15, 2013 @ 7:00 PM  
FORT SMITH COURTHOUSE, ROOM 204  
FORT SMITH, ARKANSAS

Judge Hudson called the meeting to order and led the Pledge of Allegiance.

Dickie Robertson gave the invocation.

County Clerk Sharon Brooks called the roll. All members were present.

Rhonda Royal	Donald Carter	Johnny Hobbs
Phil Hicks	Shawn Looper	Tony Crockett
John Spradlin	Danny Aldridge	Jim Medley
Ray Stewart	Bob Schwartz	Linda Murry
Dickie Robertson		

Approval of Minutes:

December 18, 2012  
January 1, 2013

Bob Schwartz made a motion to approve the minutes. Ray Stewart seconded the motion.  
The motion passed by voice vote.

Executive Report of the County Judge

### **Quorum Court Meeting**

I. Election for Renewal of the One Cent County Sales Tax

Resolution 2003-6, passed April 15, 2003 stated the intent of the Quorum Court to call an election at the end of the ten year period for the effective date of the sales tax, in order to let the voters consider the continuation of the sales and use tax. The last election for renewal of the County sales tax was held ten years ago on May 20, 2003.

In organizing a citizens committee to promote the renewal of the sales tax, the date of May 14, 2013 has been proposed for this renewal election. It is recommended that the Quorum Court address an ordinance calling the election at the February 19 Regular Meeting. A copy of the proposed ordinance to be voted on in the February Regular Meeting is attached [see attachment 1].

In planning the renewal of the County sales tax, the County and each of the 11 Cities will need to enact resolutions setting forth the intended uses of their per capita share of sales tax revenues. A copy of our 2003 Resolution is attached [see attachment 2].

II. Status Report on Various Projects, many of which require Carryover

ORDINANCE NO. 2013 -

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF SEBASTIAN, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE CALLING A SPECIAL ELECTION IN SEBASTIAN COUNTY, ARKANSAS ON THE QUESTION OF THE CONTINUATION OF THE LEVY OF A COUNTY-WIDE ONE PERCENT (1%) SALES AND USE TAX; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, Sebastian County, Arkansas (the "County") is levying a 1% sales and use tax within the County (the "Sales and Use Tax") pursuant to a special election held May 20, 2003; and

WHEREAS, pursuant to Resolution No. 2003-6, adopted April 15, 2003, the Quorum Court agreed to call an election at the end of the 10 year period from the effective date of the Sales and Use Tax in order to let the voters consider the continuation of the Sales and Use Tax; and

WHEREAS, the purpose of this Ordinance is to call a special election on the question of the continuation of the levy of the Sales and Use Tax.

NOW, THEREFORE, BE IT ENACTED by the Quorum Court of Sebastian County, Arkansas:

Article 1. There be, and there is hereby called, a special election to be held on May 14, 2013, at which election there shall be submitted to the electors of the County the question of the continuation of the levy of the Sales and Use Tax.

Article 2. The question of the continuation of the levy of the Sales and Use Tax shall be placed on the ballot for the election in substantially the following form:

FOR continuation of the existing 1% local sales and use tax  
levied within Sebastian County.....☐

AGAINST continuation of the existing 1% local sales and use tax  
Levied within Sebastian County.....☐

Article 3. The election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for county elections and only qualified voters of the County shall have the right to vote at the election.

Article 4. The results of the election shall be proclaimed by order of the County Court, and the Proclamation shall be published one time in a newspaper published in the County and having a general circulation therein, which Proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within thirty days after the date of publication.

Article 5. A copy of this Ordinance shall be given to the Sebastian County Board of Election Commissioners so that the necessary election officials and supplies may be provided.

Article 6. The County Judge and County Clerk, for and on behalf of the County, be and they are hereby authorized and directed to do any and all things necessary to call and hold the special election as herein provided.

Article 7. All ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

DATED: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
County Judge

ATTEST: \_\_\_\_\_  
County Clerk

RESOLUTION NO. 2003 - 6

A RESOLUTION OF COMMITMENT BY THE QUORUM COURT OF SEBASTIAN COUNTY INVOLVING THE CONTINUATION AND DEDICATED USE OF COUNTY SALES AND USE TAX PROCEEDS

WHEREAS, pursuant to an intention specified in Resolution No. 94-3 to revisit the county-wide one-cent sales and use tax after its initial ten years, the Sebastian County Quorum Court has called an election for the continuation of the current one-cent county-wide sales and use tax as outlined by the provisions of Act 26 of 1981, as amended; and

WHEREAS, pursuant to Ordinance No. 2003-07, a Special Election for the continuation of the county-wide one-cent sales and use tax has been set for May 20, 2003; and

WHEREAS, the Sebastian County Quorum Court supports the continuation of the one-cent county-wide sales and use tax, and in doing so, wishes to make certain commitments to the citizens regarding the passage and use of the County's share of the county-wide sales and use tax proceeds.

NOW, THEREFORE, be it resolved by the Quorum Court of Sebastian County, State of Arkansas, that upon the continuation of the county-wide sales and use tax as described above, the Quorum Court commits to use the County's share of the proceeds to:

1. Operation of County Adult Detention Center. 44% of the revenues will be designated to the operation of the Sebastian County Adult Detention Center at its 2003 prisoner capacity of 260 inmates.
2. Operation of Juvenile Detention Center. 9% of the revenues will be designated to the operation of the Sebastian County Juvenile Detention Center at its 2003 capacity of 30 juveniles.
3. Improvement of County Courthouse and Administrative Facilities. 25% of the revenues will be designated to financing the operation and/or capital expenses associated with remodeling the Sebastian County Courthouse into a modern administrative facility and to finance capital expenses and ongoing operational costs associated with the acquisition, construction, or remodeling of Sebastian County public service facilities to enhance the provision of County public services, including the Court system.
4. County Law Enforcement. 9% of the revenues will be designated to the continued funding and support of three (3) Sheriff Patrol Deputies providing law enforcement services in the unincorporated area of the County.
5. Volunteer Rural Fire Departments. 4.5% of the revenues will be designated to the improvement of the Sebastian County volunteer rural fire departments.

6. Senior Citizens' Centers. 1% of the revenues will be designated to the improvement of services provided by the senior citizens' centers supported by Sebastian County Government.
7. Scott-Sebastian County Library. 1/2% of the revenues will be designated to improve the programs of the Scott-Sebastian County Public Library, including building expansion as necessary.
8. Health Care/Worker's Compensation. 7% of the revenues will be designated to the costs associated with paying for County employee health care and worker's compensation.

BE IT FURTHER RESOLVED, that the Quorum Court of Sebastian County agrees to call an election at the end of ten (10) years from the effective date of the continuation of the county-wide sales tax for reconsideration by the citizens.

BE IT FURTHER RESOLVED, that the above commitment of Sebastian County Government annual share of County sales and use tax revenue pertains only to Sebastian County Government appropriations and does not affect any of the municipal governments' use of their proportionate share of the sales and use tax revenue.

DATED: April 15, 2003

APPROVED: David Hilson  
County Judge

ATTEST: Dawn M. Tate  
County Clerk

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Appropriations for the 2013 Budget [see attachment 3].

I have attached a quick update on several projects [see attachment 3].

III. 2013 Budget

A recap of certain 2012-2013 Budget information is being handed out for your review. We can take a minute to run through these handouts.

In the Sebastian County General Fund, which is the fund that has the most demand in the County Budget, projected 2012 revenues [less grants] were \$21,515,451. You will find this number on page 55 of the Quorum Court Packet in the Financial Report. Actual revenues received are \$21,779,609 for a difference of +\$264,158 of revenues received over estimates.

In addressing the ability of the County General Fund to sustain a Cost of Living adjustment for County Employees, we must take into account the actual revenues compared to estimated revenues and the requirement for personnel costs to have sustaining ongoing revenues identified to cover those ongoing personnel costs in future budgets.

A \$500 one-time allocation to full-time employees is projected to cost \$149,634 from the General Fund. If the Quorum Court would like to proceed with this option, please pass a motion, and we will place this on the February agenda.

Attachment 3

STATUS REPORT ON PROJECTS  
January 15, 2013

**1. Safe Shelter:**

This project is 98% complete and should be operational by February. We will schedule an open house facility dedication in the next few weeks.

**2. Greenwood Courthouse HVAC Project:**

This project is in process to be completed by mid-February.

**3. Juvenile Detention Center Classroom Project:**

Construction work is complete with systems operations, security system and final punch list from the architect pending. We will schedule an open house facility dedication in the next few weeks.

**4. Jail Security Project:**

Security doors and hardware are in production at the factory. Project will be completed based on production and implementation schedules.

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**5. Greenwood Courthouse Remodeling Project:**

The Greenwood District Court Office remodeling project should be complete within the next couple of weeks.

**6. Outdoor Recreation (50/50) Grant:**

The new restroom at Ben Geren near the large playground will be delivered next week. The restroom will be operational shortly after placement. After the restroom project is complete, the budget for playground equipment can be planned. The site preparation work for improvements at Boyer Park (Midland) is complete. Improvements will include ADA accessibility improvements to park features.

**7. Soccer Project:**

Lighting project is complete. Fencing project is complete.

Site planning has progressed to the point of developing a construction budget. Rough grading for field 11 has started. We are coordinating the placement of fill as the material becomes available. The budget has been developed for the installation of four new fields (Irrigation and Sod). Two fields at Ben Geren and two fields at the recently acquired property at Chaffee Crossing are possible with available funding.

**8. Wildlife Observation Trail Grant**

Rough grading is nearly complete. We are working with the City of Fort Smith to gain an easement on to the landfill property which will facilitate a trail that completely circumnavigates the lake. Finalizing specifications for a bridge is needed to complete the project.

**9. Softball:**

Fencing project is nearing completion. The remodeling of the two restrooms is nearing completion (minor cosmetic issues). Two of the five buildings have new paint. Infields have been improved in the offseason.

**10. Two New Softball Fields:**

Later this month, the City will present preliminary designs for the two fields and field house proposed to replace the Andrews fields' facility.

**11. Tennis:**

Completed projects at the tennis complex are: resurfacing; fencing; court lighting; windscreen; paint (inside and out); building lighting; parking lot; restroom remodel; and environmental controls. The only thing outstanding is landscaping.

**12. Disk Golf:**

The targets are set and the course is being used. The posts for the new tee signs are installed. We are working with the association on confirming the layout is optimum and then we will start setting up new tee boxes.

The next item was a discussion of a \$500.00 one-time allocation to full-time employees that is projected to cost \$149,634.00. Danny Aldridge asked about a one-time allocation to part-time employees. There are 374 full time and 111 part time employees in Sebastian County. Last year a 3% cost of living was given to employees.

SEBASTIAN COUNTY QUORUM COURT MEETING  
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Danny Aldridge made a motion to add this to the February agenda with numbers showing the cost for a \$500.00 or a \$1,000.00 one-time allocation to full time employees and an amount for part-time employees. Also, a request was made for numbers to show the cost of living raise at 2%. Ray Stewart seconded the motion. The motion passed by voice vote.

The next item was a Report on the Sale of Surplus Property.

Nineteen vehicles were sold for a total of \$44,023.01 less fee of \$3,301.69 for net results of \$40,721.32 of which \$33,968.81 went to the County General/Surplus Property Sale line item and \$6,752.51 went to the Road/Surplus Property Sale line item. Phil Hicks suggested that this be looked into next year because in the past there has not been a fee for selling the property. Shawn Looper stated that other options would probably bring more money. Judge Hudson said that other options would be looked into prior to next year's surplus sale.

Jim Medley made comments regarding the sale of surplus fleet property. Medley suggested changing oil every 4,000 miles instead of every 3,000 miles and also suggested not replacing the vehicles at 75,000 miles, saying the vehicles could last longer.

The next item was an appointment to the Regional Solid Waste Management Board. Ray Stewart made a motion to re-appoint Judge Hudson for a 3 year term. Linda Murry seconded the motion. The motion passed by a voice vote.

The next item was to elect a Quorum Court Representative for Arkansas Association of Quorum Courts.

Ray Stewart nominated Bob Schwartz. Shawn Looper nominated Danny Aldridge. Quorum Court members voted by Secret ballot on paper to select the representative. By a vote of 8 for Aldridge and 5 for Schwartz, Danny Aldridge will represent Sebastian County at the Arkansas Association of Quorum Courts.

Next a Resolution was passed out by Danny Aldridge Establishing a Policy for Quorum Court Regular Meetings and Scheduled voting Session Meetings. Aldridge stated that he had worked with Judge Hudson and they had worked up a Resolution that would establish discussion meetings and voting meetings as a format for the Regular Monthly Meetings. The Voting Meetings will be in January, February, April, June, August, November and December. The Discussion meetings will be in March, May, July, September and October.

Shawn Looper made a motion to approve the Resolution. Danny Aldridge seconded the motion. Resolution 2013-1 passed by voice vote.



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The next item was: An Appropriation Ordinance Amending Budget Ordinance 2012-22 in Order to Appropriate Additional Funds and Approve Additional Expenditures for County Offices and Departments in the 2013 Budget: and for Other Purposes.

Ray Stewart made a motion to approve the ordinance. Phil Hicks seconded the motion. Ordinance 2013-2 passed unanimously by a Roll Call Vote.

The next item was: An Appropriation Ordinance Amending Budget Ordinance 2012-22 in Order to Appropriate Additional Funds and Approve Additional Expenditures for County Offices and Departments in the 2013 Budget: and for other Purposes.

Danny Aldridge made a motion to adopt this ordinance. Dickie Robertson seconded the motion. The motion passed by a Roll Call Vote with 7 voting YES (Jim Medley, Danny Aldridge, Ray Stewart, Linda Murry, Dickie Robertson, Rhonda Royal and Donald Carter) Those voting NO were John Spradlin, Tony Crockett, Shawn Looper, Phil Hicks, Johnny Hobbs and Bob Schwartz.

This Ordinance failed to passed with a 2/3 majority vote and therefore will be carried to the February Agenda for a second reading.

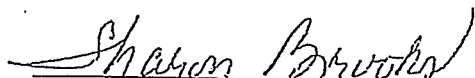
PUBLIC COMMENTS

Bob Newbold made comments regarding raises and spending money. He would hope that the Quorum Court be careful with the funds and not have to ask for a Sales Tax increase.

Linda Murry stated that a Summary of Expenses that she requested from the Judge's office has been very helpful to her and might be something others would find beneficial as well. She said maybe this could be explained at one of the discussion meetings. Judge Hudson told Linda that she could add this to the agenda of a discussion meeting when she wanted to.

Shawn Looper made a motion to adjourn. Phil Hicks seconded the motion. Meeting adjourned.

Respectfully submitted:

  
Sharon Brooks, County Clerk

  
Ann Selig, Deputy Clerk